

11481. Misbranding of DuBois Pacific pills. -U. S. v. 148 Packages of DuBois Pacific Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 14659, 14660. I. S. Nos. 10493-t, 10494-t. S. Nos. W-889, W-890.)

On March 18, 1922, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 148 packages of DuBois Pacific [Pacific] pills, alleging that the article had been shipped from Detroit, Mich., in part by the Parke, Davis Co., on December 3, 1920, and in part by W. J. Baumgartner, on December 17, 1920, and transported from the State of Michigan into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained aloes and iron sulphate, with a coating of sugar and calcium carbonate.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the circular enclosed in the box containing the article, "DuBois Pills * * * Reliable Female Tonic and Regulator. * * * a female tonic and regulator of menstrual disturbances and for relieving general female disorders. Needless pain and suffering may be prevented by the use of DuBois Pills * * * a female tonic exerting helpful medicinal action over the female organs. * * * of utmost value in assisting in the relieving of pains, due to leucorrhea, etc., and regulating the menses. * * * suppressed menstruation, painful menstruation * * *. For leucorrhea * * *. In cases of menstrual disturbances the course of treatment may be commenced at any time when the indications suggest that the menstrual period is delayed due to taking cold or exposure. * * * When the period is irregular," were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed. Misbranding was alleged for the further reason that the statement appearing in the said circular, "DuBois Pills which are purely vegetable," was false and misleading.

On May 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11482. Adulteration of coal-tar color. U. S. v. 2 Pounds, et al., of Coal-Tar Color. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14709, 14710, 14711. I. S. Nos. 6586-t, 6587-t, 6589-t. S. Nos. E-3209, E-3210, E-3211.)

On April 12, 1921, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 4 pounds of coal-tar color, in part at Schenectady and in part at Amsterdam, N. Y., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., in part March 7 and in part March 10, 1921, and transported from the State of Missouri into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "W. B. Wood Mfg. Co. * * * St. Louis, Mo. Warranted Complies With All Requirements * * * Number 112 * * * Red."

Adulteration of the article was alleged in the libels for the reason that sodium chlorid and sodium sulphate had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it contained an added poisonous and deleterious ingredient, to wit, arsenic, which might render it injurious to health.

On September 30, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11483. Adulteration of egg yolk. U. S. v. 318 Cases of Egg Yolk. Decree entered releasing good portion upon payment of costs and permitting bad portion to be admitted under bond for industrial purposes. (F. & D. No. 15896. S. No. E-3751.)

On January 5, 1922, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district a libel praying the seizure and condemnation of 318 cases of egg yolk, remaining unsold in the original unbroken packages at Staten Island, N. Y., alleging that the article had been shipped by Olivier & Cie, from Hankow, China, on or about November 1, 1920, and transported in foreign commerce, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On June 29, 1922, Olivier & Co., having appeared as claimant for the property, and it having appeared from examination that a portion of the product was fit for human food, it was ordered by the court that the portion designated by this department as fit for human consumption be released to the said claimant for sale or importation upon payment of the costs of the proceedings, and that the portion designated by this department as unfit for food be destroyed or exported, or that it might be imported upon the execution of a bond in the sum of \$2,500, in conformity with section 10 of the act, conditioned that it be used for industrial purposes.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11484. Adulteration of shell eggs. U. S. v. George W. Reaves and Henry W. Reaves (Sentinel Poultry & Egg Co.). Pleas of guilty. Fine, \$100 and costs. (F. & D. No. 16399. I. S. No. 18207-t.)

On July 17, 1922, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George W. Reaves and Henry W. Reaves, trading as Sentinel Poultry & Egg Co., Sentinel, Okla., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about August 23, 1921, from the State of Oklahoma into the State of Texas, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From Sentinel Poultry & Egg Co. Sentinel, Oklahoma."

Examination by the Bureau of Chemistry of this department of the 1,080 eggs in the consignment showed that 426, or 39.4 per cent of the total, were inedible eggs, consisting of mixed rots, spot rots, heavy blood rings, blood rots, and chick rots.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed animal substance.

On March 23, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11485. Adulteration and misbranding of butter. U. S. v. 84 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16805. I. S. Nos. 1615-v, 1616-v, 1617-v, 1618-v, 1619-v, 1620-v, 1622-v. S. No. E-4168.)

On September 11, 1922, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 84 tubs of butter, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Bridgeman-Russell Co., Duluth, Minn., on or about August 17, 1922, and transported from the State of Minnesota into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in the libel of information with respect to 72 tubs of the article for the reason that a substance, to wit, excessive moisture, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted in part for butter, which the said article purported to be. Adulteration was alleged with respect to the entire 84 tubs of the article for the reason that a valuable constituent, to wit, butterfat, had been in part abstracted therefrom.

Misbranding was alleged with respect to the entire 84 tubs of the article for the reason that it was an imitation of and offered for sale under the distinctive name of another article, to wit, butter.

On December 7, 1922, the Bridgeman-Russell Co., Duluth, Minn., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation